

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DECISION ONE MORTGAGE COMPANY, LLC,

Plaintiff,

vs.

ACCESS LENDING CORPORATION and DAVID
FLEIG,

Defendants.

Case No.: 3:05CV264-K

ORDER

THIS MATTER IS BEFORE THE COURT on the Defendant's Motion to Dismiss (Document No. 9) filed August 25, 2005, by Access Lending Corporation and David Fleig ("Fleig"). The Court, by Order dated June 12, 2006, required the parties to submit proposed Orders outlining limited discovery relevant to the jurisdictional issue only. The Court, having received from the parties proposed Orders and cover letters setting forth the parties' positions with respect to whether the depositions authorized by the court should be limited to the jurisdictional issue, and for good cause shown, enters the following discovery order:

IT IS ORDERED that, to aid the Court's determination of personal jurisdiction in this matter, discovery will be limited to the nature and extent of Access Lending and Fleig's contacts with the State of North Carolina, including their involvement and participation in the settlement negotiations and resolution of the litigation titled *Decision One Mortgage Company, LLC v. Advantage Investors Mortgage Corporation*, Case Number 3:02-CV383-H and the arbitration titled *Decision One Mortgage Company, LLC v. Advantage Investors Mortgage Corporation*, AAA Case No. 31 181 0031 03.

IT IS FURTHER ORDERED that the parties will have thirty (30) days from the date of this Order to serve written discovery requests.

IT IS FURTHER ORDERED that the parties will have sixty (60) days from the date of service to respond to any such written discovery requests.

IT IS FURTHER ORDERED that the Plaintiff will have 120 days from the date of this Order to serve a *subpoena duces tecum* upon Hunton & Williams, LLP and to complete the depositions of T. Thomas Cottingham, III and Dana Lumsden, attorneys with the Charlotte office of Hunton & Williams, LLP.

IT IS FURTHER ORDERED that the Defendants will have 120 days from the date of this Order to serve a *subpoena duces tecum* upon Katten Muchin Rosenman, LLP and to complete the deposition of Richard L. Farley, an attorney with the Charlotte office of Katten Muchin Rosenman, LLP.

IT IS FURTHER ORDERED that nothing herein is intended to prevent any witness served with a *subpoena duces tecum* from objecting to the subpoena as otherwise provided in the Federal Rules of Civil Procedure.

Signed: 6/27/06


David C. Keesler
United States Magistrate Judge

CHLT 143852v.1